

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIELLE LATIMER,

Plaintiff,

v.

AT&T MOBILITY LLC, *et al.*,

Defendants.

CASE NO. C21-0856-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on the parties' stipulated notice of dismissal of Plaintiff's claims against Defendant AT&T Inc. and stipulated motion requesting that the Court adopt the parties' proposed briefing schedule for Defendants' forthcoming motion to dismiss and motion to compel arbitration (Dkt. No. 9).

A. Dismissal of AT&T Inc.

Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that a "plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared." Here, the parties nevertheless request that the Court enter a proposed order filed with their stipulation. Although Rule 41 governs dismissal of an "action," the Ninth Circuit has held that a "plaintiff may dismiss some or all of the defendants . . . through a Rule 41(a)(1) notice."

1 *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). The parties have stipulated to  
2 dismissing all claims against AT&T Inc. without prejudice, and the stipulation is signed by all  
3 parties who have appeared. (See Dkt. No. 9.) Thus, under Federal Rule of Civil Procedure  
4 41(a)(1)(A)(ii), the stipulation is self-executing. All claims against AT&T Inc. are DISMISSED  
5 without prejudice and without costs to any party, with each party to bear its own attorney fees  
6 and other litigation expenses.

7 B. Sequencing of Motion to Dismiss and Motion to Compel Arbitration

8 Finding good cause, the Court GRANTS the parties' motion regarding the sequencing of  
9 Defendants' forthcoming motion to dismiss and motion to compel arbitration. Defendants shall  
10 file their motion to dismiss no later than July 26, 2021 and their motion to compel arbitration no  
11 later than 30 days after the Court rules on the motion to dismiss.

12 DATED this 14th day of July 2021.

13 Ravi Subramanian  
14 Clerk of Court

15 s/Paula McNabb  
16 Deputy Clerk  
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